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-2016

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# COURT REFORM IN ONTARIO

## What is court reform?

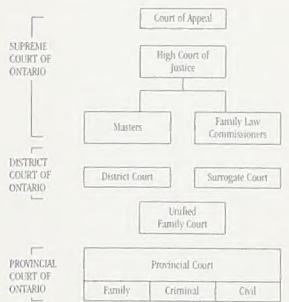
The Ministry of the Attorney General is changing the trial court system to make it more accessible, affordable and efficient for the people of Ontario. One of the goals of court reform is to bring all trial courts in Ontario together in a unified, one-level court. This will be done in two phases. Phase I, which came into effect on September 1, 1990, created the *Ontario Court of Justice*, which has two divisions:

**Ontario Court (General Division)** merged the previous High Court, District Court and Surrogate Courts. Small Claims Court is also part of this division.

**Ontario Court (Provincial Division)** merged the previous Provincial Court (Family Division) and Provincial Court (Criminal Division).

The new trial court system is also organized into eight regions throughout the province. In each region, senior judges representing the General Division and the Provincial Division are responsible for locally organizing where and when judges sit.

## Former Structure



Phase II of court reform will complete the process by unifying the two divisions into a single trial court.

## Why did the old system need changing?

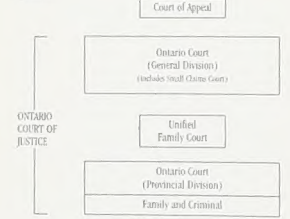
The old system was very complex, time-consuming and costly. It had been in place since 1881, with only minor changes being made over the years.

The division of responsibilities among the eight kinds of courts was often confusing. Some courts had overlapping responsibilities. Others, especially those in smaller centres, could only deliver some services. People in communities outside Toronto had to wait for judges with the authority to hear their cases to travel from Toronto.

## How has the system been improved?

The changes under Phase I of court reform are making Ontario's trial court system less complicated and confusing. Judges with the authority to hear all kinds of cases are located in every region of the province, bringing better service to the people outside Toronto.

## Phase I



## Phase II



New co-operative courts management advisory committees in each region, made up of members of the judiciary, the Crown attorneys, the private bar, courts administration and the public, will also help co-ordinate the system. In these ways, the new justice system will be more efficient and more responsive to local concerns.

## What is happening to Small Claims Court?

A proposed increase in small claims court jurisdiction from \$1,000 outside Toronto and \$3,000 inside Toronto to \$5,000 province-wide will mean that cases that used to be too costly to proceed with, will be brought to small claims court. This increase is expected to be put in effect after Phase I of court reform is implemented. With the simpler, speedier process, people may quickly and inexpensively pursue more civil claims on their own.

## What other changes are being made to make the system more efficient?

Techniques to save time and money are being tested in four areas of court procedure:

### 1. Delay reduction in criminal courts

At times, in very busy criminal courts, people have had to wait months to have their cases heard. Projects in Brampton, Barrie, Oshawa, Ottawa, Newmarket and Scarborough are exploring ways of reducing delay by using existing resources better. The projects are run by committees composed of members of the judiciary, the bar, the Crown attorney's office, legal aid, police, court administrators and, where applicable, trial co-ordinators.

### 2. Civil case management

Civil cases suffer from delay, as well. Pilot projects in Sault Ste. Marie, Windsor and Toronto are aimed at moving civil cases through the courts more efficiently. Installing up-to-date computer technology will be key to helping speed the process.

### 3. Alternative Dispute Resolution

Sometimes, going to court can be a painful, expensive and frustrating experience, especially when a family is going through separation or divorce. Alternatives to the formal trial process include:

**Negotiation** — in which parties work out a settlement of the dispute by themselves.

**Mediation** — in which parties work out a settlement with a neutral person's help.

**Arbitration** — in which a binding decision is made by someone agreed on by the parties.

These methods are being evaluated with the help of a \$1-million research fund, jointly sponsored by the Ministry of the Attorney General, the Donner Canadian Foundation and the Law Foundation of Ontario.

A three-year project at the Unified Family Court in Hamilton will study the effectiveness of mediation as an alternative or complementary method to the formal trial process. It will compare the results of mediation in Hamilton to the results of using legal routes in a comparable community which does not have mediation services.

### 4. Improvements to court procedure

Improvements will be made to the rules of civil procedure to speed up the processing of cases by the courts and streamline procedures in cases up to \$15,000.

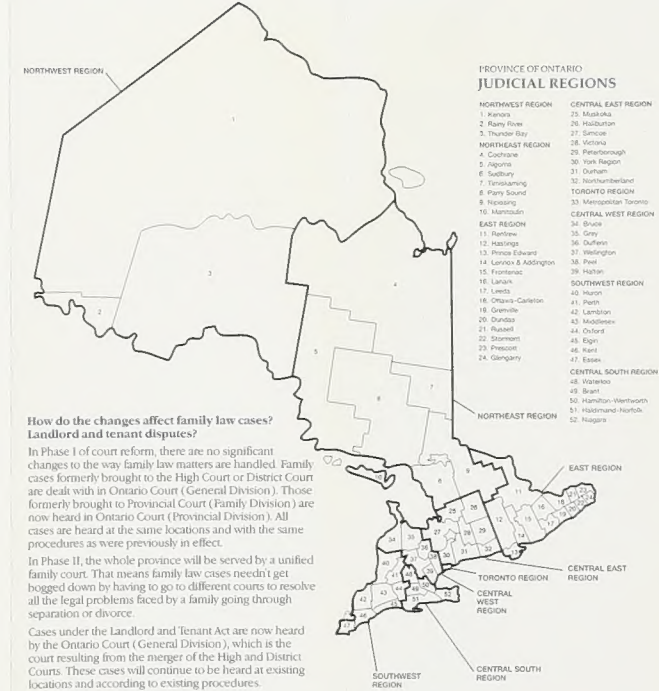
## With the merged courts and speedier process, could cases be rushed too quickly through the new system?

No. From the beginning of court reform, the government has consulted with many groups, including judges, lawyers, court administrators, academics and the police to ensure that the new system will effectively serve both the principles of justice and the people of Ontario.

## What happens to appeals in the new system?

The appeals process remains much the same as it was in the old system. Minor criminal cases and all family cases tried in Ontario Court (Provincial Division) may be appealed to the Ontario Court (General Division). A subsequent appeal may be made to the Court of Appeal, with this court's permission. Serious criminal cases (for example, murder and robbery) may continue to be appealed directly to the Court of Appeal.

In civil and family cases tried in the Ontario Court (General Division) for claims valued at \$500 to \$25,000, an appeal may be made to a branch of General Division known as Divisional Court (made up of a panel of three General Division judges). No appeals are available for claims under \$500. Appeals for claims of more than \$25,000 may be made to the Court of Appeal.



## How do the changes affect family law cases? Landlord and tenant disputes?

In Phase I of court reform, there are no significant changes to the way family law matters are handled. Family cases formerly brought to the High Court or District Court are dealt with in Ontario Court (General Division). Those formerly brought to Provincial Court (Family Division) are now heard in Ontario Court (Provincial Division). All cases are heard at the same locations and with the same procedures as were previously in effect.

In Phase II, the whole province will be served by a unified family court. That means family law cases needn't get bogged down by having to go to different courts to resolve all the legal problems faced by a family going through separation or divorce.

Cases under the Landlord and Tenant Act are now heard by the Ontario Court (General Division), which is the court resulting from the merger of the High and District Courts. These cases will continue to be heard at existing locations and according to existing procedures.

La nouvelle juridiction de première instance comprend aussi huit régions réparties sur l'ensemble de la province. Dans chaque région, des juges principaux représentant la Division

Les changements apportés au cours de la première phase rendent le système judiciaire de l'Ontario plus simple et plus clair. Les juges compétents pour entendre les différentes sortes de causes siègent dans chaque région, ce qui améliore le

seront portées devant cette juridiction. Cette augmentation devrait avoir lieu après la mise en oeuvre de la première phase de la réforme judiciaire. Grâce à une procédure plus simple et plus rapide, les intéressés pourront poursuivre eux-mêmes un plus grand nombre de demandes civiles, cela de façon expéditive et peu coûteuse.

Il est arrivé que des citoyens ont eu à attendre des mois pour faire entendre leurs causes. Des projets ont été mis sur pied à Brampton, Barrie, Oshawa, Ottawa, Newmarket et Scarborough pour explorer les méthodes de réduire les retards par un meilleur usage des ressources existantes. Ces projets sont gérés par des comités composés de juges, d'avocats, de procureurs de la Couronne, de préposés à l'aide juridique, de représentants de la police et, le cas échéant, de coordinateurs du rôle.

**La négociation** – les parties trouvent elles-mêmes un règlement au différend.

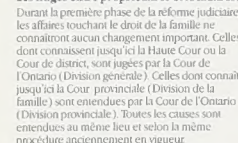
Un projet pilote pour une période de trois ans à la Cour unifiée de la famille à Hamilton, évaluera l'efficacité de la médiation à titre de méthode de remplacement ou méthode complémentaire du procès proprement dit. Il comparera les résultats de la médiation à Hamilton avec ceux des voies de droit dans une localité comparable qui ne dispose pas de services de médiation.

Des améliorations seront apportées aux règles de procédure civile pour hâter le règlement des causes dans les tribunaux et rendre plus efficace la procédure régissant les affaires de 15 000 \$ et moins.

Non. Dès le début du processus de réforme des tribunaux, le gouvernement a pris la précaution de consulter plusieurs groupes, dont des juges, des avocats, des administrateurs des tribunaux, des professeurs de droit et des dirigeants de la police, pour s'assurer que le nouveau système sera conforme à la fois aux principes de justice et aux intérêts de la population de l'Ontario.

Le processus d'appel reste presque tel qu'il était selon l'ancien système. Les affaires criminelles sans gravité et toutes les affaires touchant le droit de la famille, jugées par la Cour de l'Ontario (Division provinciale) sont susceptibles d'appel à la Cour de l'Ontario (Division générale). Un appel subséquent peut être porté devant la Cour d'appel de l'Ontario, si elle en donne l'autorisation. Les affaires criminelles graves (par exemple, les affaires de meurtres et de vols) peuvent faire l'objet d'un appel direct devant la Cour d'appel.

Les affaires civiles et familiales jugées par la Cour de l'Ontario (Division générale) et dont la valeur est de 500 à 25 000 dollars, peuvent être portées en appel devant une section de la Division générale, connue sous le nom de Cour divisionnaire (constituée par un collège de trois juges de la Division générale). Les affaires dont la valeur est inférieure à 500 dollars ne peuvent faire l'objet d'un appel. Les affaires dont la valeur est supérieure à 25 000 dollars peuvent être portées en appel directement devant la Cour d'appel.



(Division générale), qui résulte de la fusion de la Haute Cour et de la Cour de district. Ces causes continueront d'être entendues aux mêmes lieux et selon la même procédure qu'à l'heure actuelle.

